

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the matter of:

Petition of Qwest Corporation for  
Forbearance from Enforcement of  
the Commission's ARMIS and 492A  
Reporting Requirements Pursuant to  
47 U.S.C. § 160

WC Docket No. 07-204

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES  
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA**

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December 6, 2007

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**I. INTRODUCTION AND SUMMARY**

The California Public Utilities Commission and the People of the State of California (CPUC or California) respectfully submit these comments in response to the Federal Communications Commission's (FCC or Commission) public notice issued September 20, 2007 in the above-captioned docket. In the public notice, the Commission seeks comment on Qwest Corporation's (Qwest) Petition requesting forbearance under 47 U.S.C § 160 (c) from Commission rules which require submission of Automated Reporting Management Information System (ARMIS) Reports 43-01 (Annual Summary), 43-02 (USOA Report), 43-03 (Joint Cost Report), 43-04

(Separations and Access Report), 43-05 (Service Quality Report), 43-06 (Customer Satisfaction Report), 43-07 (Infrastructure Report), 43-08 (Operating Data Report) and Reports 492A (Rate-of-Return Monitoring Report), 495A and 495B (Forecast of Investment Usage).

The Commission should deny the relief requested in the Petition because it is not in the public interest to do so at this time. The Commission should continue to require Qwest to submit them on an annual basis.

## **II. ARGUMENT**

Similar to AT&T Inc.'s (AT&T) forbearance request submitted to the Commission in June 2007, Qwest is now also requesting the Commission to forbear from the reporting requirements of certain ARMIS and 492A reports.<sup>1</sup> CPUC replied to AT&T's petition on September 19, 2007.<sup>2</sup> CPUC urged the Commission to deny AT&T's forbearance request in its entirety. For the same reasons stated in our reply comments to AT&T's petition, the CPUC also opposes Qwest's forbearance request and recommends that the Commission deny Qwest's petition in its entirety.

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<sup>1</sup> AT&T's forbearance request included ARMIS reports 43-05, 43-06, 43-07 and 43-08 only.

<sup>2</sup> See Reply Comments of the California Public Utilities Commission and the People of the State of California, WC Docket No. 07-139, September 19, 2007.

**A. California Relies on the ARMIS Reports to Carry Out its Regulatory Duties.**

As we commented in response to AT&T's forbearance petition, the CPUC has eliminated a number of California-specific monitoring reports in recent years with the intent that it would rely on the Commission's reports such as the ARMIS reports. If the Commission were to now eliminate these reports, the CPUC's ability to fulfill its regulatory obligations would be severely hampered because it would not be able to obtain the data that are contained in these reports from elsewhere. For example, just a year ago, the CPUC curtailed regulation of the retail telecommunications service offerings of the four major California ILECs.<sup>3</sup> The CPUC expressed its intent to rely on the ARMIS reports as part of its monitoring program to ensure that the competitive market is functioning well and customers will receive good quality at just and reasonably-priced services.<sup>4</sup> Additionally, the CPUC eliminated certain state-specific monitoring reports which were required under the California's New Regulatory Framework (NRF).<sup>5</sup> The CPUC made its decision largely at the urging of the carriers that they should not be

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<sup>3</sup> Prices for all retail services were de-regulated, except for basic residential rates.

<sup>4</sup> D. 06-08-030 at p. 217, *mimeo*, FOF 73; *See also R.02-12-004, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo.*

<sup>5</sup> *See Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the Regulation of Telecommunications Utilities (R.05-04-005)*, Decision (D.) 06-08-030, COL 57; *See also R.02-12-004, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo.*

required to file two separate sets of reports – one with the Commission and one with the CPUC.

Further, it would be premature from the CPUC's perspective for the Commission to eliminate the ARMIS reports now because the CPUC currently has two pending proceedings wherein it is considering the elimination of California-specific reports required under the Uniform Regulatory Framework (URF) and to replace them with the ARMIS reports and other reports filed by carriers with the Commission.<sup>6</sup> The CPUC is also considering whether California-specific ARMIS data filed with the Commission should also be filed with the CPUC.<sup>7</sup> For these reasons, the CPUC is opposed to the elimination of the ARMIS reports at this time.

**B. The ARMIS and Other Federal Reports Should Not Be Eliminated on a Piecemeal Basis.**

As we stated in response to AT&T's forbearance petition, the CPUC continues to recommend that if the Commission is considering revamping its reporting requirements, the Commission should do so through a broader rulemaking proceeding and not on a piecemeal basis. A rulemaking proceeding would allow the Commission to comprehensively address the

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<sup>6</sup> D.06-08-030 at FOFs 73, 102.

<sup>7</sup> See *R.02-12-004 - Order Instituting Rulemaking on the Commission's Own Motion into the Service. Quality Standards for All Telecommunications Carriers and Revisions to General Order 133-B*, March 30, 2007 Assigned Commissioner's Ruling and Scoping Memo, p. 5.

implications of any change to the reporting requirements. The Commission should also not use Qwest's forbearance as a vehicle to exempt other incumbent local exchange carriers from the reporting requirements of the ARMIS or other FCC reports.

### **III. CONCLUSION**

The Commission should deny Qwest's Petition. The federal reports, both the ARMIS and 492A, are important and useful tools for the CPUC to fulfill its regulatory

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duties. The CPUC urges the Commission to retain and continue to require Qwest to submit all of the reports for which it seeks forbearance.

Respectfully submitted,

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December 6, 2007

**CERTIFICATE OF SERVICE**

I, Helen M. Mickiewicz, hereby certify that on this 6<sup>th</sup> day of December, 2007 a true and correct copy of the forgoing **“COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION AN THE PEOPLE OF THE STATE OF CALIFORNIA”** was mailed first class, postage prepaid to all known parties of record.

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SINDY J. YUN